

# Notice of Meeting

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## Licensing Sub-Committee

**Thursday, 4th April, 2019 at 10.00 am**

in Council Chamber Council Offices  
Market Street Newbury

### Members Interests

Note: If you consider you may have an interest in any Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Wednesday, 27 March 2019

### FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

If you require further information about this Agenda, or to inspect any background documents mentioned in the reports, please contact Moira Fraser / Maria Legge.

Further information and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

The Swan, High Street, Streatley, Reading, Berkshire, RG8 9HR



WestBerkshire  
C O U N C I L

**Agenda - Licensing Sub-Committee to be held on Thursday, 4 April 2019 (continued)**

**To:** Councillors Jeff Beck, Paul Bryant and James Cole (Chairman)

**Substitute:** Councillor Tony Linden

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# Agenda

## Part I

**Page No.**

- |     |   |        |
|-----|---|--------|
| (1) | <b>Application No. 19/00225/LQN - The Swan, High Street, Streatley, Reading, Berkshire, RG8 9HR</b> | 3 - 12 |
|     | <b>Proposal:</b> Application for a Premise Licence  |        |
|     | <b>Location:</b> The Swan, High Street, Streatley, Reading, Berkshire, RG8 9HR                      |        |
|     | <b>Applicant:</b> Rare Bird Hotels Limited  |        |

Andy Day  
Head of Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



**West Berkshire**  
C O U N C I L

# Agenda Item 2(1)

ITEM NO:

**TITLE** **THE SWAN AT STREATLEY**  
**HIGH STREET, STREATLEY RG8 9HR**

**APPLICATION FOR NEW PREMISES LICENCE**

**FOR CONSIDERATION BY** Licensing Sub Committee  
Thursday 4 April 2019 at 10am

**WARD** Basildon

**LEAD OFFICER** Karen Court - Licensing Officer  
Julia O'Brien – Team Manager  
Sean Murphy – Public Protection Manager

## **PURPOSE OF REPORT**

To provide relevant information for the Sub Committee to consider and determine the application from Rare Bird Hotels Limited for a new premises licence for The Swan at Streatley at High Street, Streatley RG8 9HR

## **OUTCOMES**

In accordance with S18 of the Licensing Act 2003 and the West Berkshire Council Licensing Policy, the application is referred to the Licensing Sub Committee for determination as representations have been made.

## **RECOMMENDATIONS**

The Sub Committee to determine the application to grant or refuse the application, with conditions and/or amendments as appropriate.

## **SUPPORTING INFORMATION**

### **Background**

The application was received on 26 February 2019

The application was checked and confirmed to be correctly made. The 28 day consultation period ran to 26 March 2019. The responsible authorities, ward members and parish council were notified.

Summary details of the application are as follows:

- Nature of premises (extract from description in application):

“The premises is a hotel with associated restaurant, bars, event space, terraces and gardens. Following major refurbishment works at the premises, the application proposes a new premises licence to replace licence ref 013241, incorporating the new licensable areas and external areas”

Note: there is no indication that the current premises licence would be surrendered if the new application were to be granted

- Proposed hours in the original application (pages 9 to 18) were amended by the applicant (page 41) and revised again by the applicant’s solicitor on 2 April 2019, this summary is attached (Application Summary – Amended 21.03.19.docx)
- AMENDED Licensable Activities
- FOR THE AVOIDANCE OF DOUBT NO OTHER LICENSABLE ACTIVITIES ARE BEING APPLIED FOR

<b>Alcohol (on &amp; off)</b>	Monday -Saturday 09:00 to 01:00 Sunday 09:00 to 00:00
<b>Recorded Music (indoors only)</b>	Monday - Sunday 23:00 to 01:00
<b>Late Night Refreshment (indoors only)</b>	Monday - Sunday 23:00 to 01:00

- opening hours – confirmed by applicant’s solicitor 3 April 3, 2019
  - “The proposed hours of opening are 24 hours for residents and guests and 9am until 1am for the public”
- seasonal variations etc
  - All licensable activities to be permitted:
  - from the end of permitted hours on New Year’s Eve until the start of permitted hours on New Year’s Day.
  - All licensable activities are unrestricted for hotel residents and their bona fide guests.

Note: Clarification was sought as to exactly what is meant by “All licensable activities are unrestricted for hotel residents and their bona fide guests”

The applicant’s solicitor responded 3 April 2019:

- “The unrestricted licensable activities are only sales of alcohol and late night refreshment”

The application has been advertised correctly, with site notices displayed at the premises (these have been checked) and the newspaper notice published.

During the statutory consultation period of 28 days, representation was received from:

### **Responsible Authorities Representations**

#### **Thames Valley Police**

Formal objection 25 March 2019 (pages 43-52)

With 19 conditions proposed (pages 49-52) this document is attached (19-03-14 ProposedConditions.docx)

These were agreed by the applicant's solicitor 2 April 2019

As a result of this the police withdrew their representation (confirmation email from Declan Smyth 2 April 2019: "As the applicant has agreed to all the proposed conditions, I have agreed to withdraw the Thames Valley Police Representation."

#### **Environmental Health**

Representation made (page 53)

Withdrawn by Kate Powell in confirmation email 2 April 2019:  
"On the basis of the application as set out below I would like to withdraw my representation against this application."

### **Representations Received from Local Residents**

33 representations received (pages 55-133)

Three residents have confirmed they wish to address the panel at the hearing  
Brian Dickson (page 69)  
Ben Warner (page 73)  
Anita & Colin Coghlan (page 87)

#### **Other Representations**

Nuns Acre River Garden (page 119)

Streatley Parish Council (page 83)  
Goring Parish Council (page 95) – Matthew Brown wishes to address the panel

Cllr Alan Law (ward member) also wishes to address the panel

One late representation was received from Mr Michael Seymour on 1 April 2019, he has been advised that his representation was too late to be accepted but he may attend the hearing if he wishes to do so.

#### **Other Relevant Information**

Companies House checks done

**Analysis of Issues**

Promotion of the four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

The operating schedule section of the application details how the applicant proposes to address these.

Requirement of Licensing Act 2003 to determine an application and achieve the four licensing objectives – prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

West Berkshire Council's licensing policy

**List of Attachments (contained in agenda bundle)**

- Application for new premises licence (pages 3 to 32) with operating schedule on page 19. (note: old public entertainment licence conditions are still being requested.
- Layout plan (page 29-30)
- Current premises licence (pages 33-39 with current operating schedule p39)
- Initial amendment to application by applicant (page 41)
- Thames Valley Police representation (pages 43-52) withdrawn 2 April 2019 following agreement of all proposed 19 conditions (pages 49-52) by the applicant's solicitor
- Environmental Health Representation (page 53) withdrawn following agreement of public nuisance conditions contained within TVP's representation (p 49-52)
- Residents representations (pages 55-133)
- Amended application summary from applicant's solicitor received 2 April 2019 (Application Summary – Amended 21.03.19.docx)
- Thames Valley Police 19 Conditions agreed (19-03-14 ProposedConditions.docx)

**Reasons for Decision**

In accordance with legislative requirements

**Alternative Options considered, if any**

None

**Reasons for considering the report in Part 2**

none

**List of Background Papers**

As Detailed above

**Contact** Karen Court

**Service** Public Protection Partnership

**Telephone No** 01635 519791

**Email** karen.court@westberks.gov.uk

**Date** 3 April 2019

**Version No.** 1

**The Swan at Streatley**  
**New Premises Licence**

**AMENDED Licensable Activities**

**FOR THE AVOIDANCE OF DOUBT NO OTHER LICENSABLE ACTIVITIES ARE BEING APPLIED FOR**

<b>Alcohol (on &amp; off)</b>	Monday -Saturday 09:00 to 01:00 Sunday 09:00 to 00:00
<b>Recorded Music (indoors only)</b>	Monday - Sunday 23:00 to 01:00
<b>Late Night Refreshment (indoors only)</b>	Monday - Sunday 23:00 to 01:00

**Seasonal Variations etc**

All licensable activities to be permitted:

- from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

All licensable activities are unrestricted for hotel residents and their bona fide guests.

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## Proposed Conditions - The Swan at Streatley

1. The premises licence holder shall ensure that a refusal log (either written or electronic) is in operation at the premises. All staff involved in the sale of alcohol shall be trained in how to use and maintain said log. The log shall contain the following:
  - a) Description of person attempting to purchase alcohol
  - b) Time said person attempted to purchase alcohol
  - c) The reason for refusing a person alcohol
  - d) Name of staff member dealing with the refusal

The log shall be signed off weekly by the Designated premises supervisor or nominated representative and shall be made available for inspection to officers of West Berkshire District Council and Thames Valley Police.

2. An incident log (either written or electronic) shall be used, maintained and kept at the premises. The log shall record any incident that undermines the promotion of the licensing objectives and any incident that involves police attendance at the premises. The log should contain the following:
  - i. Description of incident
  - ii. Time of incident
  - iii. Action taken in relation to the incident
  - iv. Description of any person involved in the incident

The incident log shall be made available to authorised officers of Reading Borough Council and Thames Valley Police upon request.

3. Staff employed to sell alcohol shall undergo training upon induction. This shall include, but not be limited to:
  - The premises age verification policy
  - The law relating to underage sales
  - Dealing with refusal of sales
  - Proxy purchasing
  - Recognising valid identity documents not in the English language
  - Identifying attempts by intoxicated persons to purchase alcohol
  - Identifying signs of intoxication
  - Conflict management
  - How to identify and safeguard vulnerable persons who attend and leave the premises
  - Identifying signs of drug usage and prevention
  - The four licensing objectives

Such training sessions are to be documented and refreshed every six months.

All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and be made available

to an authorised officer of Thames Valley Police and West Berkshire District Council upon request.

4. The Premises Licence Holder and/or Designated Premises Supervisor shall ensure that all staff complete training in Child Sexual Exploitation that is of a standard agreed with Thames Valley Police and West Berkshire District Council training package within 28 days of employment and a signed record of their training shall be maintained. Refresher training in relation to CSE shall formally take place once every three months and signed records of this training and signed records of this training shall be maintained. These records shall be kept for a minimum of two years of the date of the training and shall be made available to any authorised officer of Thames Valley Police or an authorised officer of West Berkshire District Council.
5. The Premises Licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping. The entire licensable area shall be covered by the CCTV. There shall be at least one camera positioned at each entry and exit point to monitor any external areas to the premises. Data recordings shall be made immediately available to an authorised officer of West Berkshire District Council or a Thames Valley Police officer, together with facilities for viewing upon request. Recorded images shall be of such a quality as to be able to identify the recorded person.
6. A sign advising customers that CCTV is in use shall be positioned in a prominent position. A fully trained person who can operate the system shall be available at all times when the premises is open to the public.
7. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, military ID or proof of age card showing the 'Pass' hologram (or any other nationally accredited scheme) are to be accepted as identification.
8. Notices advertising the Challenge 25 policy shall be displayed in prominent positions on the premises.
9. Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly. Staff shall be available to assist in the dispersal of customers at the cessation of licensable activities each

evening. After 2230hrs staff shall be available to ensure that customers disperse quietly.

## **PREVENTION OF PUBLIC NUISANCE**

10. Clearly legible and suitable notices shall be displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and immediate area quietly. Staff shall be available to assist in the dispersal of customers at the cessation of licensable activities each evening.
11. The PLH shall ensure that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to undue disturbance to local residents.
12. All external doors & windows must be kept closed, other than for access and egress, when events involving amplified music or speech are taking place so as not to cause disturbance to nearby residents and businesses from 2230hrs.
13. During operating hours the licensee or nominated representative shall be available to receive and respond to nuisance related complaints a contact number shall be readily available to residents upon request.
14. An entry, closure and dispersal policy for controlling the opening and closing of the premises and the departure of customers from the premises at the conclusion of the licensed activities shall be put in place and shall be actively operated. The policy shall be in written format and made available upon request to an authorised officer of West Berkshire District Council and Thames Valley Police.

## **OTHER INITIATIVES**

15. Before any person is employed at the premises sufficient checks will be made of their bona fides to ensure they are legally entitled to employment in the UK. Such checks will include:
  - Proof of identity (such as a copy of their passport)
  - Nationality
  - Current immigration status
  - Employment checks will be subject of making copies of any relevant documents produced by an employee, which will be retained on the premises and kept for a minimum period of one year. Employment records as they relate to the checking of a person's right to work will be made available to an authorised officer of West Berkshire District Council or Thames Valley Police upon request.

16. A minimum of 2 SIA licensed door supervisors shall be employed at the premises whenever the sale of alcohol takes place after 00:00 Monday to Sunday. These door supervisors shall be employed on a Monday to Sunday trading period from 2100hrs until the last customer/ resident has left the premises. These licensed door supervisors shall be employed solely for vetting, regulating, controlling and supervising patrons on or within the immediate vicinity of the premises and to ensure the maintenance of good order, public safety and security.
17. A register of Door Staff shall be kept. The register will show the following details:
- (a) Full SIA registration number.
  - (b) Date and time that the Door Supervisor commenced duty, countersigned by the Designated Premises Supervisor or Duty Manager.
  - (c) Date and time that the Door Supervisor finished work, countersigned by the Designated Premises Supervisor or Duty Manager.
  - (d) Any occurrence or incident of interest involving crime & disorder or public safety must be recorded giving names of the Door Supervisor involved.
  - (e) A record of the number of patrons on site shall be made half hourly in the door register
  - (f) Training records
  - (g) ID Photo and scan of SIA badge.
  - (h) A record of the DPS/ management checking the validity of all SIA badges holders working at the premises (SIA Website checks)
18. When door supervisors are employed at the premises they shall be easily identifiable and display their badges in high visibility arm bands.
19. The Designated Premises Supervisor (DPS) and Premises Licence Holder (PLH) shall ensure that a policy relating to the safe removal of persons from the premises and/or its immediate vicinity by staff and door supervisors shall be put in place and actively operated. The policy shall be in written format and made available upon request to an authorised officer of West Berkshire District Council and Thames Valley Police. This shall include but not be limited to:
- a) Persons who have been identified by staff as being vulnerable or at risk.
  - b) Persons who are refused entry to the premises or refused service within the premises.
  - c) Persons who are ejected from the premises.